

**REGULATION 2.08      ~~Emissions Fees, Permit Fees, Permit Renewal Procedures, and~~**  
**~~Additional Program~~Fees**

**Louisville Metro Air Pollution Control District ~~of Jefferson County~~**

**Jefferson County, Kentucky**

**~~Relates To:~~ KRS Chapter 77 Air Pollution Control**

**Pursuant ~~To:~~ \_\_\_\_\_** KRS Chapter 77 Air Pollution Control

**Relates to:    KRS 77.195 and 77.205; 42 USC 7661a**

**~~KRS Chapter 224 Environmental Protection~~**

**Necessity ~~And~~and Function:** KRS Chapter 77-180 authorizes the Air Pollution Control Board to adopt and enforce all orders, rules, and regulations necessary or proper to accomplish the purposes of KRS Chapter 77, including establishing fees. The Clean Air Act Title V (42 USC 7661 et seq.) requires the assessment of ~~operating permit~~ emissions fees necessary to operate the ~~Act~~Title V-required activities of the District. This regulation establishes emissions fees, permit fees, the procedures for permit renewal, and additional program fees.

**SECTION 1 Title V Emissions Fees**

- 1.1 ~~Emissions~~Applicability. Annual emissions fees are required from all major sources ~~defined in Regulation 2.16 Title V Operating Permits that are~~ subject to the operating permit requirements of Regulation 2.16 Title V Operating Permits ~~and all stationary sources for which an administratively complete operating permit application pursuant to Regulation 2.16 has been submitted to the District.~~
- 1.2 Except as provided in section 1.3 or 1.4, emissions fees shall be calculated based on the actual emissions from the stationary source for the calendar year preceding the start of the fiscal year in which the fee is due. For Fiscal Year (FY) 20092010 (July 1, ~~20082009~~,

through June 30, ~~2009~~), ~~for the purpose of the July 1<sup>st</sup> interim billing, 2010~~), emissions fees shall be calculated by multiplying the total of all the single pollutant actual emissions in tons per year (tpy) for calendar year ~~2007, as affected by the limitations of section 1.3, 2008~~ by the fee rate of ~~\$46.15~~ \$48.12 per ton. ~~Beginning with Fiscal Year 2010, and for For~~ each fiscal year ~~thereafter, for the purpose of the July 1<sup>st</sup> interim billing for that fiscal year, after FY 2010~~, emissions fees shall be calculated by multiplying the total of all the single pollutant actual emissions in tpy for the calendar year ~~two years before preceding the start of~~ the fiscal year ~~as affected by the limitations of section 1.3~~, by the product of (1) the fee rate for the previous fiscal year and (2) the sum of 1 plus the fractional change in the annual Consumer Price Index (CPI) as most recently published by the EPA. ~~The Board may, by resolution, adjust the, available at~~ www.epa.gov/air/oaqps/permits/fees.html.

~~emissions fee rate applicable to a fiscal year based upon the review required by section 4.1 and after the public review process specified in section 4.3. If the Board adjusts the emissions fee rate applicable to a fiscal year, the new emissions fee rate shall be retroactive to July 1<sup>st</sup> of that year and the supplemental emissions fees specified in the supplemental billing shall be calculated by multiplying the difference in emissions fee rates by the same single pollutant total as used for the interim billing.~~

1.3 ~~The total of all the single pollutant actual emissions in tpy shall be modified by the following limitations:~~

~~1.3.1~~ The total annual emissions fee shall be the sum of the single pollutant fees except that:

1.3.1 ~~n~~No pollutant shall be counted in more than one single pollutant category,

1.3.2 No more than 4,000 tpy of the actual emissions of a single pollutant shall be counted toward the total emissions of a stationary source, and

1.3.3 Carbon monoxide emissions shall not be counted toward the total emissions.

1.4 ~~Emissions fees shall be calculated based upon the actual emissions from the stationary source for the calendar year preceding the start of the fiscal year in which the fee is due.~~ Emissions statements are required to be submitted annually in accordance with Regulation 1.06 *Source Self-Monitoring and Reporting*. If data for the preceding year are not submitted, ~~then~~ the District shall determine the fees based ~~upon~~ potential to emit.

1.5 ~~Emissions fees are due annually beginning July 1, 1994.~~ Payment of ~~emission annual emissions~~ fees is due within ~~4530~~ days of the billing date. ~~or July 31, whichever is later.~~ ~~In certain situations, the~~ The District may approve an installment schedule of payments to be made not more frequently than quarterly.

1.6 Failure to pay emissions fees when due is a violation of District regulations. This failure is subject to penalties and an increase in the fee of an additional 5% per month up to a maximum of 25% ~~over~~ of the original amount due. In addition, failure to pay emissions fees within 60 days of the due date shall automatically suspend the stationary source's permits to operate until the fees are paid or ~~a schedule for payment acceptable to the~~ District has approved a payment schedule in writing~~been established.~~

## SECTION 2 Permit Fees

2.1 The permit fees listed in this Section 2 shall apply to Fiscal Year ~~2010~~2009 (July 1, ~~2009~~2008, to June 30, ~~2010~~2009) ~~to the extent that the date of the applicable event identified in section 2.3 is on or after July 1, 2008. If the date of the applicable event identified in section 2.3 is before July 1, 2006, then the permit fee listed in, or derived~~

~~from, the January 18, 2006, version of this regulation shall apply. If the date of the applicable event identified in section 2.3 is on or after July 1, 2006, but before July 1, 2008, then the permit fee listed in, or derived from, the August 16, 2006, version of this regulation shall apply.~~

2.2 ~~Beginning with Fiscal Year 2010 (July 1, 2009, to June 30, 2010) and for each fiscal year thereafter, all permit~~Permit fees shall be calculated by multiplying the applicable permit fee for the previous fiscal year by the sum of 1 plus the fractional change in the ~~Consumer Price Index~~CPI (as ~~is~~ used in section 1.2 ~~for calculating the Title V emissions fee rate,~~) rounded to the nearest dollar. The District shall make available, at the beginning of each fiscal year, a ~~document that lists of the calculated~~ permit fees applicable to that fiscal year.

2.3 The fiscal year used for determining the applicable permit fee is as follows:

2.3.1 For construction permits, permit transfers, and asbestos demolition/renovation permits, the fiscal year in which the permit is issued,

2.3.2 For first-issue minor source operating permits, the fiscal year in which the construction permit expires and is not renewed pursuant to section 2.5.3,

2.3.4 For first-issue federally enforceable District-origin operating~~FEDOOP~~ permits (FEDOOPs), the fiscal year in which the FEDOOP ~~permit~~ is issued, and

2.3.5 For renewal operating permits ~~and FEDOOP permits~~, the fiscal year in which the previous operating permit ~~or FEDOOP permit~~ expires.

2.4 ~~Fees for permits~~Permit fees (except permit transfers and asbestos demolition/renovation permits ~~reviewed or issued pursuant to this regulation~~) shall be based ~~upon~~ the pollutant that has the largest potential to emit and are on a per permit basis.

2.4.1 Construction permit fees are based on potential to emit for the total project ~~and operating.~~

2.4.2 ~~Operating~~ permit fees are based on ~~the~~ potential to emit for the entire stationary source.

## **2.5 Construction Permit Fees**

2.5.1 Construction permits shall be valid for a period of ~~one~~ year. The fee for each permit ~~fee~~ shall be determined ~~by the following criteria for each permit as follows:~~

2.5.1.1	Subject to Federal PSD/NSR (includes "net-outs," "offsets," other exemptions, or subject to NSPS or NESHAPs) . . . . .	\$ 8,027
2.5.1.2	100 tpy or more, the basic fee is . . . . .	\$ 5,351
2.5.1.2.1	Subject to NSPS, add to the basic fee . . . . .	\$ 1,910
2.5.1.2.2	Subject to NESHAPs, add to the basic fee . . . . .	\$ 1,910
2.5.1.3	Less than 100 tpy, but greater than or equal to 50 tpy, the basic fee is . .	\$ 3,249
2.5.1.3.1	Subject to NSPS, add to the basic fee . . . . .	\$ 1,434
2.5.1.3.2	Subject to NESHAPs, add to the basic fee . . . . .	\$ 1,434
2.5.1.4	Less than 50 tpy, but greater than or equal to 10 tpy, the basic fee is . . .	\$ 1,243
2.5.1.4.1	Subject to NSPS, add to the basic fee . . . . .	\$ 956
2.5.1.4.2	Subject to NESHAPs, add to the basic fee . . . . .	\$ 956
2.5.1.5	New Stage II Gasoline Dispensing Facilities . . . . .	\$ 2,776
2.5.1.6	Modified Stage II Gasoline Dispensing Facilities for which testing or retesting is necessary . . . . .	\$ 1,109
2.5.1.7	Less than 10 tpy, but greater than or equal to 5 tpy, or Stage I Gasoline Dispensing Facilities of greater than 1000 gallon capacity, the basic fee is . . . . .	\$ 956
2.5.1.7.1	Subject to NESHAPs or NSPS, add to the basic fee . . . . .	\$ 478

2.5.1.8	Stage I Gasoline Dispensing Facilities of greater than 250 gallon capacity but less than or equal to 1000 gallon capacity . . . . .	\$ 239
2.5.1.9	Less than 5 tpy and subject to NSPS or NESHAPs (except asbestos demolition/ renovation projects subject to section 2.8), the basic fee is . . . . .	\$ 670
2.5.1.10	Less than 5 tpy and not subject to NSPS or NESHAPs . . . . .	\$ 357
2.5.1.11	Permit transfers . . . . .	\$ 95

2.5.2 If a source submits simultaneous applications for construction permits for two~~where there are 2~~ or more identical pieces of equipment at the same location, the fee shall be the same as that specified for one piece of equipment.

2.5.3 Construction permits may be renewed until the project is completed and the affected facility is in operation unless otherwise provided ~~1 of the provisions~~ in Regulation 2.03 *Permit Requirements - Non-Title V Construction and Operating Permits and Demolition/Renovation Permits* ~~section 5.4 is met~~. The construction permit renewal fee shall be . . . . . \$859 or the applicable construction permit fee, whichever is less.

## 2.6 Minor Source~~Non-Title V~~ Operating Permit Fees

2.6.1 Minor source~~Non-Title V~~ operating permits are issued to~~for~~ stationary sources that are not subject to the emissions fees of Section 1 or the permit fees of section 2.7.

2.6.2 Except as provided in Section 3, minor source~~Non-Title V~~ operating permits are valid for up to 5 years ~~except as noted in Section 3~~ if no changes are made to the process operation equipment, the air pollution control equipment, or the raw materials; or if there is no increase in the pollutant emission rate. If changes are proposed, the owner or operator

shall apply for the appropriate permits and any resulting permits shall be issued at full fee.

2.6.3 Expiration dates of ~~minor source~~~~non Title V~~ operating permits ~~for a stationary source~~  
shall be adjusted to a common date and fees shall not be prorated.

2.6.4 Minor source~~Non Title V~~ operating permits are issued on an equipment basis and the District may require multiple permits.

2.6.5- The ~~permit~~ fee for each minor source operating permit shall be determined ~~by the following criteria for each permit~~as follows:

- |          |  |         |
|----------|--|---------|
| 2.6.5.1  | Reissuance of a permit for which the sole change is the name or address of the stationary source (this does not include change of owner or operator or relocation) . . . . . | \$ 56   |
| 2.6.5.2  | Greater than or equal to 100 tpy but not subject to the Title V program . .  | \$1,482 |
| 2.6.5.3  | Less than 100 tpy, but greater than or equal to 50 tpy, the basic fee is . . . .   | \$ 593  |
| 2.6.5.4  | Less than 50 tpy, but greater than or equal to 10 tpy, the basic fee is . . . .  | \$ 446  |
| 2.6.5.5  | Less than 10 tpy, but greater than or equal to 5 tpy, or Stage I Gasoline Dispensing Facilities, the basic fee is . . . . .  | \$ 294  |
| 2.6.5.6  | Less than 5 tpy, the basic fee is . . . . .  | \$ 223  |
| 2.6.5.7  | Gasoline Dispensing Facilities - Stage II, add to the Stage I fee per fueling position . . . . .   | \$ 236  |
| 2.6.5.8  | Subject to NSPS, add to the applicable basic fee . . . . .   | \$ 75   |
| 2.6.5.9  | Subject to NESHAPs, add to the applicable basic fee . . . . .  | \$ 75   |
| 2.6.5.10 | Greater than 5 tpy of a single HAP or greater than 10 tpy of all HAPs combined, add to the applicable basic fee . . . . .  | \$ 75   |

2.6.5.11 Banking Permit (issuance or reissuance with modification,  
no renewal required.) . . . . . \$ 572

2.6.5.12 Permit transfers . . . . . \$ 95

**2.7 Federally Enforceable District Origin Operating Permit (FEDOOP) Fees**

2.7.1 ~~Permit fees under section 2.7~~FEDOOPs are issued to~~for~~ stationary sources ~~that applied~~  
~~for, and were issued, a FEDOOP permit~~ pursuant to Regulation 2.17 *Federally*  
*Enforceable District Origin Operating Permits.*

2.7.2 FEDOOP~~permits~~ are valid for 5 years unless voided at the request of the applicant or  
revoked pursuant to Regulation 2.17 section 6.5.

2.7.3 The FEDOOP ~~permit~~-fee shall be the sum of the following:

2.7.3.1 Special processing fee (including cost of public notification) . . . . . \$ 593  
and

2.7.3.2 The sum of the permit fees for all of the emissions units at the stationary source  
that would normally ~~would~~ be assessed pursuant to section 2.6 if the stationary  
source had not applied for a FEDOOP~~permit~~.

2.7.4 The ~~permit~~fee for initial issuance of a FEDOOP~~permit~~ pursuant to section 2.7.3.2 shall  
be adjusted on a prorated basis to account for the unexpired term of any previously issued  
operating permits pursuant to section 2.6.

2.7.5 The ~~permit~~fee for revision of a FEDOOP~~permit~~ shall be the amount that, in the absence  
of section 2.7, would have been required by section 2.5 or ~~section~~ 2.6.

2.7.6 The ~~permit~~fee for the initial FEDOOP~~permit~~ and subsequent renewal FEDOOP~~permits~~  
shall be divided by the number of years for which that FEDOOP~~permit~~ is issued and the  
District shall issue a statement of fees annually for the calculated quotient.



**2.8**      **The permit fee or notification fee for asbestos demolition/renovation projects** shall be determined ~~by the following criteria~~as follows:

2.8.1 Friable asbestos demolition/renovation projects:

2.8.1.1 The basic permit fee including the first 1500 linear or square feet . \$ 765

2.8.1.2 Add to the basic permit fee for each additional full or partial increment of 1500 linear or square feet, up to a total of 5 increments . . . . . \$ 765

2.8.1.3 Add to the basic permit fee for each additional full or partial increment beyond the first 5 increments of 1500 linear or square feet . . . . . \$ 170

2.8.2 Friable asbestos demolition/renovation projects using glovebags:

2.8.2.1 The basic permit fee including the first 1500 linear or square feet . \$ 478

2.8.2.2 Add to the basic permit fee for each additional full or partial increment of 1500 linear or square feet . . . . . \$ 478

2.8.3 Category I and II asbestos demolition/renovation projects:

2.8.3.1 The basic permit fee including the first 3,000 linear or square feet . . \$ 285

2.8.3.2 Add to the basic permit fee for each additional full or partial increment of 3000 linear or square feet, up to a total of 100 increments . . . . . \$ 285

2.8.3.3 Add to the basic permit fee for each additional full or partial increment beyond the first 100 increments of 3,000 linear or square feet . . . . . \$ 62

2.8.4 Notification fee for all asbestos demolition/renovation projects for which the quantity involved is less than 260 linear feet on pipes and 160 square feet on other facility components, or 35 cubic feet of facility components if the length or area could not be measured previously (sections 2.1 to 2.3 apply) . \$ 36

2.8.5 Each address on a multiple-dwelling project shall be assessed a fee based ~~up~~ on the criteria in sections 2.8.1 to 2.8.4.

2.8.6 A single permit may be issued with any number of combinations of projects described in sections 2.8.1 to 2.8.4.

2.8.7 If the project involves both a material that is measured in linear feet and a different material that is measured in square feet, ~~then~~ the number of linear feet and square feet shall be added to determine the applicable fee.

2.8.8 If approved by the District, the amount of material involved in a project may be determined in cubic feet. For the purpose of section 2.8.1, an increment shall be 330 cubic feet. For the purpose of section 2.8.3, an increment shall be 660 cubic feet.

2.8.9 The fee for a second and ~~each~~ subsequent revisions to an issued permit for an asbestos demolition/renovation project shall be 10% of the fee for the initially issued permit.

2.8.10 Additional fee for each requested inspection or assistance provided outside of the District's working hours of 8:00 a.m. to 5:00 p.m. ~~weekdays~~, on a weekend, or on a holiday. Requests shall be in writing and are subject to the District's approval . . . \$ 189

2.9 PAL Permit Fees. A permit containing a plantwide applicability limit (PAL) shall be valid for ten years. Fees for PAL permits shall be:

2.9.1 Initial PAL permit issuance.....\$8027

2.9.2 Annual PAL fee during the PAL effective period.....\$2000

2.9.3 Renewal of a PAL permit.....\$8027

2.9.4 Increasing a PAL during the PAL effective period .....\$8027

2.10 Permit fees are payable by cash, check, or money order to the District and due ~~4530~~ days after the issuance of a statement of fees by the District.

2.11 Failure to timely pay for permits may cause the issuance of a notice of violation and appropriate enforcement action, including penalties.

~~2.11.140~~ Failure to timely pay for permits issued pursuant to section 2.8 may also cause the requirement that permits be paid for only by cash, money order, or cashier's check and at the time of issuance.

2.11.2 Failure to pay ~~permit fees~~ for permits issued pursuant to sections 2.5.1.1 to 2.5.1.10, 2.6, or 2.7 within 60 days of the due date may also cause the suspension of the unpaid permits until the fees are paid or ~~a schedule for payment acceptable to the District has been established~~ approved a payment schedule in writing.

### SECTION 3 Permit Renewal And Transfer

3.1 All stationary sources shall renew operating permits every 5 years.

3.2      The District may, at its discretion, ~~may~~ adjust individual permit ~~terms by time periods~~ up to ~~1~~one year to conform with its inspection schedules of stationary sources.

3.3 ~~Instead of the expiration date and fee provisions of section 2.6.3, section 2.7.2, section 2.7.3.2, section 3.1, or section 3.2, the~~ The District may, at its discretion, ~~may, at permit renewal or at any time during the term of a permit,~~ adjust an individual non-Title V operating permit ~~term~~time period by an amount greater than ~~1~~one year.

3.3.1 If, at the time of operating permit renewal, the District adjusts the ~~time period for the~~ permit term by more than ~~1~~one year, ~~then the permit fee, (other than the special processing fee pursuant to section 2.7.3.1,) shall be adjusted on a prorated basis to account for the shorter~~ned length of time for which the renewed permit is valid term.

3.3.2 If, during the term of an operating permit, the District adjusts the ~~time period for the~~ permit term by more than ~~1~~one year, ~~then the permit fee, (other than the special~~

processing fee pursuant to section 2.7.3.1~~;~~ for the subsequent permit renewal shall be adjusted on a prorated basis to account for the shorter~~ned term-length of time for which the permit is valid.~~

3.4 ~~Except for Non-Title V~~ construction permits and operating permits ~~at Title V stationary sources, permits issued under this regulation~~ may be reissued to a new owner or operator (transferred) if:

~~provided that all of the following provisions are met:~~

3.4.1 A written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the District, and

3.4.2 The District determines that no other changes in the permit are necessary,~~and.~~

~~3.4.3 The permit contains an additional permit condition that allows the District to revise the permit to increase monitoring, record keeping, and reporting requirements.~~

3.5 The transfer of construction ~~permits~~ and operating permits at Title V stationary sources is subject to the requirements of Regulation 2.16 sections 1.3.4 and 5.4.

3.6 Banking permits are not subject to periodic renewal. However, a modified banking permit subject to the permit fee provisions of section 2.6.~~5.11~~~~6.12~~ shall be issued after each banking transaction, ~~either~~whether ERCs are deposited or removed.

#### SECTION 4 Review ~~Of~~ Permit and Emissions ~~And Permit Fees~~

4.1 Permit~~Emissions, construction, and operating~~ fees ~~may~~shall be reviewed ~~each year~~ by the Board in accordance with KRS 77.205.

4.2 The ~~annual emissions fee review shall be presented to EPA to document the adequacy of the fees collected to satisfy the requirements of the Act.~~~~4.3 The Title V Board may, by~~

~~regulation, adjust the Title V emissions fee rate adjustment public review process pursuant to section 1.2 shall consist of the following steps:~~  
~~4.3.1 applicable to a fiscal year if:~~

~~4.2.1 The District recommends, to the appropriate committee of the Board, an adjusted fee rate based on Information on the District's actual expenses incurred during the previous fiscal year, the District's projected expenses for the current fiscal year, and the total for all the affected stationary sources of all the single pollutant actual emissions, as affected by the limitations of section 1.2.1, for the previous calendar year; and the resulting adjusted emissions fee rate shall be presented to a committee of the Board,~~

~~4.3.2 The Board committee of the Board shall have an opportunity to review reviews the information identified in section 4.2.3.1 and make makes a recommendation to the full Board;~~

~~4.3.3 The public shall be is provided with at least 30 days' notice and opportunity to comment prior to the public hearing in section 4.2.4, and the opportunity for public comment, on a proposed Board action to adjust the Title V emissions fee rate. with L legal notice shall be made in accordance with KRS Chapter 424 Legal Notices; and~~

~~4.2.3.4 The Board shall hold holds a public hearing on the proposed Board action to adjust the Title V emissions fee rate.~~

~~4.3 If the Board adjusts the Title V emissions fee rate applicable to a fiscal year, the new emissions fee rate shall be retroactive to the previous July 1. of that year. and the supplemental emissions fees specified in the supplemental billing shall be calculated by multiplying the difference in emissions fee rates by the same single pollutant total as used for the interim billing.~~

## **SECTION 5 Transition Period**

~~5.1 In addition to the billing of Title V fees as required by Section 1, the District shall continue to issue, as appropriate, non Title V operating permits to a Title V source whose operating permits expire before issuance of a Title V permit. The permit fee for each non Title V operating permit renewal at a Title V source whose non Title V operating permit expires on or after December 15, 1993, and before July 1, 1994, shall be \$450. A non Title V operating permit renewal for a Title V source whose non Title V operating permit expires on or after July 1, 1994, shall be issued at no charge to the owner or operator if the stationary source is considered by the District to be a Title V source at the time that the non Title V operating permit expires. Non Title V operating permits issued in the interim for a Title V source shall expire when the Title V permit is issued.~~

~~5.2 A stationary source is considered by the District to be a Title V source if it meets 1 of the following:~~

~~5.2.1 The District has issued a Title V operating permit to the stationary source,~~

~~5.2.2 The District has determined that the stationary source has submitted an administratively complete Title V permit application, or~~

~~5.2.3 The District had, for Fiscal Years 1995, 1996, or 1997, included the emissions from the stationary source in the emissions inventory list of Title V companies that was used for determining the final Title V emission fee rate for that fiscal year.~~

~~5.3 A Title V emissions fee credit for the unexpended portion of the non Title V operating permit fees at a Title V source shall be made as follows:~~

~~where:~~

~~C = Title V emissions fees credit, in dollars.~~

~~0.51 = The fraction of the operating permit fee that does not represent the initial cost of inspection and reissuance.~~

~~P = The non Title V operating permit fee, pursuant to section 2.6, in dollars.~~

~~T = Term of the issued non Title V operating permit, in months.~~

~~M = Number of months from effective date of non Title V operating permit renewals to July 1st of the fiscal year in which the stationary source was considered a Title V source, in months.~~

~~N = Number of current non Title V operating permits.~~

## **~~SECTION 6 Additional~~**

## **SECTION 5 Risk Management Plan Program Fees**

~~65.1~~ Starting~~Beginning~~ in Fiscal Year 1999, annual Risk Management Plan (RMP) program fees are required from all stationary sources that are subject to the requirements of Regulation 5.15 *Chemical Accident Prevention Provisions* except for those stationary sources that are also subject to Title V emissions fees pursuant to Section 1.

~~65.2~~ The RMP program fee ~~is as follows:~~6.2.1 For Fiscal Year 2010  
is.....\$694

~~2009, \$ 666, and~~6.2.2 Starting in

5.3 ~~Fiscal Year 2010, t~~The RMP program fee shall be calculated by multiplying the fee for the previous fiscal year by the sum of 1 plus the fractional change in the ~~Consumer Price Index as is~~CPI (as used in section 1.2 ~~for calculating the Title V emissions fee rate,).~~  
rounded to the nearest dollar.~~The District shall make available, at the beginning of each fiscal year, a document that lists the calculated fee applicable to that fiscal year.~~

~~6.3.5.4 RMP program fees are payable by cash, check, or money order to the District and due 45 days after the issuance of a statement of fees by the District. Failure to timely pay RMP program fees may cause the issuance of a notice of violation and appropriate enforcement action.~~

## **SECTION 6 STAR Fees**

~~6.16.3~~ Beginning in Fiscal Year 2006, Strategic Toxic Air Reduction (STAR) Program fees are required from each stationary source that ~~meets one of the following~~:

~~6.13.1 Is a 3.1 As of July 1, 2008, was identified by the District as subject to Regulation 2.16 Title V Operating Permits (Title V source described in section 1.1.),~~

~~6.3.2 Is not a Title V source and meets one of the following (~~

~~6.1.2 Has a FEDOOP source):~~

~~6.3.2.1 As of July 1, 2008, had applied for an operating permit pursuant to Regulation 2.17 Federally Enforceable District Origin Operating Permits,~~

~~6.3.2.2 Between July 1, 2008, and June 30, 2009, applies for an operating permit pursuant to Regulation 2.17 issued pursuant to Regulation 2.17, or~~

~~6.3.2.3 Between July 1, 2008, and June 30, 2009, is notified by the District that the stationary source is subject to Regulation 2.16 unless it timely applies for an operating permit pursuant to Regulation 2.17, or~~

~~6.1.3.3~~ Is neither a Title V source nor a FEDOOP source but, for calendar year ~~2007~~~~2006~~, had actual emissions of 25 or more tons per year individually of sulfur dioxide, particulate matter, volatile organic compounds, or oxides of nitrogen (25 ton source).

~~6.24~~ The STAR Program fees for Fiscal Year 2010 are as follows:

~~6.4.16.2.1 For Fiscal Year 2009,~~



~~6.4.1.1~~ For a Title V source, the sum of ~~the following~~:

~~6.4.1.1.1~~ ~~6.2.1.1~~ ~~\$5466, plus \$5,243 and~~

~~6.4.1.1.2~~ A proportional amount of \$ 225,505 based upon the Title V source's percentage

~~of the total~~ ~~6.2.1.2~~ ~~\$200 per ton of actual emissions of hazardous air pollutants (HAP) HAPs~~

and ammonia ~~emissions reported by from the~~ Title V sources ~~to the District~~ for calendar year

~~2007-2006. The District will make,~~

~~available a list of the Title V sources, the HAP and ammonia emissions reported~~

~~by each Title V source, and the percentage of the total for each Title V source,~~

~~or~~

~~6.2.24.1.2~~ ~~\_\_\_~~ For a FEDOOP source or a 25 ton source, ~~\$522, and 544.~~

~~6.3~~ ~~4.2~~ Starting in Fiscal Year 2010 and each year thereafter, each date specified in section

~~6.3 (except the first date in section 6.3, "Beginning in Fiscal Year 2006,") and section~~

~~6.4.1.1.2 shall be changed to one year later than the date used for the previous fiscal year~~

~~and~~ The STAR Program fee shall be calculated by multiplying the fee in ~~sections~~

~~6.4.1.1.1 and 6.4.1.2 and the total amount in section 6.4.1.1.~~ section 6.2 for the previous

fiscal year by the sum of 1 plus the fractional change in the ~~CPI~~ Consumer Price Index (as

used in section 1.2 ~~for calculating the Title V emissions fee rate,~~), rounded to the nearest

dollar. The District shall make available, at the beginning of each fiscal year, a ~~document~~

~~that lists of the calculated STAR fees for each Title V source for~~ that fiscal year.

~~6.45~~ Program STAR fees are payable by cash, check, or money order to the District and due

~~4530~~ days after the issuance of a statement of fees by the District. Failure to timely pay

~~program~~ STAR fees may cause the issuance of a notice of violation. ~~In addition, failure~~

~~and appropriate enforcement action, including penalties.~~

6.5 Failure to pay ~~program~~STAR fees ~~pursuant to section 6.4~~ within 60 days of the due date shall automatically ~~suspend~~cause the stationary source's construction and operating permits ~~to be suspended~~ until the fees are paid or ~~a schedule for payment acceptable to the~~ District has ~~been established~~approved a payment schedule in writing.

Adopted v1/6-13-79, effective 6-13-79; amended v2/4-21-82, v3/11-16-83, v4/12-17-86, v5/6-20-90, v6/7-15-92, v7/5-19-93, v8/12-15-93, v9/5-25-94, v10/6-21-95, v11/9-20-95, v12/7-17-96, v13/3-19-97, v14/4-16-97, v15/9-16-98, v16/6-16-99, v17/5-17-00, v18/12-20-00, v19/9-19-01, v20/1-18-06, v21/8-16-06, v22/10-24-08, v23/ -09.

~~Note: District Regulation 2.08 as adopted on October 15, 2008 contained five typographical errors that have been corrected in this version. The fee set out in Section 2.5.1.2.1 should be \$1832, not \$1831. The fee set out in Section 2.5.1.3 should be \$3116, not \$3166. The word “calender” has been replaced with “calendar”, and “beginning” replaced with beginning.~~